

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

SIMUEL D. HOWARD

PLAINTIFF

v.

CIVIL ACTION NO. 3:15cv663-DPJ-FKB

WARDEN B. E. BLACKMON

DEFENDANT

ORDER

This pro se prisoner case is before the Court on the Report and Recommendation [18] of United States Magistrate Judge F. Keith Ball. In general, a Disciplinary Hearing Officer at the Federal Correction Complex in Yazoo City, Mississippi, found that Plaintiff Simuel D. Howard violated prison rules by possessing a cell phone. Howard filed this action under 28 U.S.C. § 2241, claiming that the evidence did not support the Disciplinary Officer's holding or the resulting loss of 41 days of Howard's good-time credit.

On October 17, 2016, Judge Ball issued his Report and Recommendation, concluding that the petition should be dismissed with prejudice. *See* R&R [18] at 4. Howard filed a timely objection on October 28, 2016, in which he again argued that the evidence did not support the prison's action against him. *See* Objection [19].

There is no dispute that Judge Ball applied the correct legal standard. *See* R&R [18] at 3 (citing *Superintendent, Mass. Corr. Inst. v. Hill*, 472 U.S. 445, 455 (1985) (requiring affirmance of prison decision to revoke good-time credit if supported by "some evidence")). And for the reasons Judge Ball stated in his Report and Recommendation, this Court agrees that the disciplinary finding was supported by "some evidence." *See Hill*, 472 U.S. at 455.

Accordingly, the Report and Recommendation [18] is hereby adopted as the order of the Court. Howard's claims are hereby dismissed with prejudice, and his Motion for Summary

Judgment [16] is denied. A separate judgment will be entered pursuant to Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED this the 7th day of November, 2016.

s/ Daniel P. Jordan III

UNITED STATES DISTRICT JUDGE